



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS & PATENT INTERFERENCES

Applicants: R.K. Bakshi, et al.
Serial No.: 09/990,499 (Case No. 20385YDA)

Art Unit:
1625

Filed: November 21, 2001

Examiner:
D. M. Seaman

For: SUBSTITUTED PIPERIDINES AS
MELANOCORTIN-4 RECEPTOR
AGONISTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By Denise K. Brown Date 4-9-2004

Sir:

The present Brief is submitted in triplicate under the provisions of 37 C.F.R. 1.192 in support of an appeal from the final rejection of the above-cited application dated December 2, 2003. The Notice of Appeal was timely filed on March 1, 2004. Appellants hereby respectfully seek to have the rejections of pending Claims 39-75 overturned.

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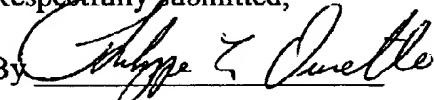
REAL PARTY IN INTEREST

The present application has been assigned to Merck & Co., Inc. of Rahway, New Jersey, by assignment recorded at the U.S. Patent and Trademark Office on January 8,

SUMMARY

For the foregoing reasons, Appellants maintain that their application contains a written description of the invention in sufficient terms to allow one skilled in the art to know what was invented and thus were in possession of the claimed invention at the time the application was filed and, moreover, that their specification fully enables one skilled in the art to make and use the claimed invention without undue experimentation. It is therefore respectfully requested that the Board of Appeals reverse the Examiner's rejection of Claims 39-73 and 73-75 under 35 U.S.C. §112, first paragraph.

Respectfully submitted,

By 

Philippe L. Durette
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Date: April 9, 2004



FEES TRANSMITTAL

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

\$330

Complete if Known

Application Number	09/990,499
Filing Date	November 21, 2001
First Named Inventor	R. K. Bakshi, et al.
Examiner Name	D. M. Seaman
Group Art Unit	1625
Attorney Docket Number	20385YDA

METHOD OF PAYMENT

Deposit Account

Deposit Account Number

13-2755

Deposit Account Name

Merck & Co., Inc.

The Director is authorized to:

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Fee Description	Fee Paid
1001	Utility filing fee	
1002	Design filing fee	
1004	Reissue filing fee	
1005	Provisional filing fee	
SUBTOTAL(1)		\$0

2. EXTRA CLAIM FEES

Total Claims	-	20	** =	0	x \$18 =	0
Independent Claims	-	3	** =	0	x \$86 =	0
Multiple Dependent Claims				\$290 =		

**or number previously paid, if greater; For Reissues, see below

Large Entity Fee Code (\$)	Fee Description	
1202	Claims in excess of 20	
1201	Independent claims in excess of 3	
1203	Multiple dependent claim, if not paid	
1204	**Reissue independent claims over original patent	
1205	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL(2)		\$0

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Fee Description	Fee Paid
1051	Surcharge - late filing fee or oath	
1812	For filing a request for <i>ex parte</i> reexamination	
1251	Extension for reply within first month	
1252	Extension for reply within second month	
1253	Extension for reply within third month	
1254	Extension for reply within fourth month	
1255	Extension for reply within fifth month	
1401	Notice of Appeal	
1402	Filing a brief in support of an appeal	330
1403	Request for oral hearing	
1452	Petition to revive - unavoidable	
1453	Petition to revive - unintentional	
1501	Utility issue fee (or reissue)	
1502	Design issue fee	
1460	Petitions to the Commissioner	
1807	Processing fee under 37 CFR 1.17(q)	
1806	Submission of Information Disclosure Statement	
8021	Recording each patent assignment per property (times number of properties)	
1809	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	For each additional invention to be examined (37 CFR 1.129(b))	
1801	Request for Continued Examination (RCE)	
Other fee (specify) _____		
Other fee (specify) _____		
SUBTOTAL(3)		\$330

SUBMITTED BY

Complete (if applicable)

Typed or Printed Name	Melvin Windfuhr	Reg. Number	32,763
Signature		Date	04/09/2004

IN DUPLICATE